UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 10/559,533 | 12/02/2005 | Tadashi Okiyama | 057788-0318680 | 9144 |
| 909 7590 03/21/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 | | | EXAMINER | |
| | | | PATEL, SHEFALI DILIP | |
| MCLEAN, VA 22102 | | | ART UNIT | PAPER NUMBER |
| | | | 3767 | |
| | | | | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 03/21/2008 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) | | | | |
|--|--|---|--|--|--|--|
| Office Action Comments | 10/559,533 | OKIYAMA, TADASHI | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | Shefali D. Patel | 3767 | | | | |
| The MAILING DATE of this communication app Period for Reply | ears on the cover sheet with the c | orrespondence address | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). | ATE OF THIS COMMUNICATION 6(a). In no event, however, may a reply be timil apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI | Lely filed the mailing date of this communication. (35 U.S.C. § 133). | | | | |
| Status | | | | | | |
| 1) Responsive to communication(s) filed on <u>02 De</u> | ecember 2005 | | | | | |
| · <u> </u> | action is non-final. | | | | | |
| '= | / | | | | | |
| · | closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | | | | |
| Disposition of Claims | , , , , , , , , , , , , , , , , , , , | | | | | |
| <u> </u> | nnliaation | | | | | |
| | 4) Claim(s) 1-19,21 and 22 is/are pending in the application. | | | | | |
| 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | | |
| 5) Claim(s) is/are allowed. | | | | | | |
| 6) Claim(s) is/are rejected. | | | | | | |
| 7) Claim(s) is/are objected to. | | | | | | |
| 8)⊠ Claim(s) <u>1-19,21 and 22</u> are subject to restriction | on and/or election requirement. | | | | | |
| Application Papers | | | | | | |
| 9)☐ The specification is objected to by the Examiner | ·. | | | | | |
| 10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner. | | | | | | |
| Applicant may not request that any objection to the o | drawing(s) be held in abeyance. See | e 37 CFR 1.85(a). | | | | |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). | | | | | | |
| 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. | | | | | | |
| Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date | 4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other: | ite | | | | |

Application/Control Number: 10/559,533 Page 2

Art Unit: 3767

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- a. Figures 2-5
- b. Figures 7-12
- c. Figures 13-14
- d. Figure 16
- e. Figure 17

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Application/Control Number: 10/559,533 Page 3

Art Unit: 3767

2. The claims are deemed to correspond to the species listed above in the following manner:

- a. Claims 1-7, 15, 16, 21, 22
- b. Claims 8-10
- c. Claims 1-10, 12-18, 21, 22
- d. Claims 1-10, 12-19, 21, 22
- e. Claims 8, 11

The following claim(s) are generic: none of the claims are generic to all of the species.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

The common technical features in all groups of the species are the cap, the body portion and the leg portion of the channel tube portion, and the septum with a slit. These elements cannot be a special technical features under PCT Rule 13.2 because these elements fail to provide contribution to the art as such would have been obvious in the prior art in light of the teachings of the prior art references. US 5,961,497 teaches an injection port (Figures 1-3, connector [10]) with a cap (first housing section [28]), a body portion (second housing section [30]) and a leg portion (rigid tube [16]) of a channel tube portion, and a septum (seal [70]) with a slit [74] (column 5, lines 8-63)(column 6, lines 55-57). For this reason, a holding that these five groups of species do not have a single inventive concept is proper.

4. A telephone call was made to Benjamin Kiersz on March 17, 2008, to request an oral election to the above restriction requirement, but did not result in an election being made.

Application/Control Number: 10/559,533 Page 4

Art Unit: 3767

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shefali D. Patel whose telephone number is (571) 270-3645. The

examiner can normally be reached on Monday through Thursday from 8am-5pm Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kevin C. Sirmons can be reached on (571) 272-4965. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shefali D Patel/

Examiner, Art Unit 3767

03/17/2008

/Kevin C. Sirmons/

Supervisory Patent Examiner, Art Unit 3767